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12 UNITED STATES BANKRUPTCY COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SANTA ROSA DIVISION

11 In re	Bankruptcy Case No. 09-10655-AJ
12 GERARD Q. DECKER, IV,	RS No. ND-265
13 Debtor.	Chapter 7
14 ONEWEST BANK FSB,	
15 Movant,	
16 vs.	
17 GERARD Q. DECKER, IV, Debtor, and	HEARING DATE:
18 Timothy W. Hoffman, Trustee,	DATE: June 11, 2009
19 Respondents.	TIME: 9:00 a.m.
20	CTRM: Santa Rosa

21 **DECLARATION OF ERICA A. JOHNSON-SECK IN SUPPORT OF ONEWEST BANK**
22 **FSB'S MOTION FOR RELIEF FROM AUTOMATIC STAY**

23 I, Erica A. Johnson-Seck, declare:

24 1. I am a Vice President at OneWest Bank, FSB,
25 ("OneWest"). In the foregoing capacity I have personal knowledge of the status and history of the
26 GERARD Q. DECKER, IV, ("DEBTOR") loan account, and if called upon to testify thereto I could
27 and would do so competently and truthfully.
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1 2. I am one of the custodians of the books, records, and files of
2 ONEWEST that pertain to loans and extensions of credit given to Debtor(s) concerning the
3 Property. I have personally worked on the books, records, and files, and as to the following facts, I
4 know them to be true of my own knowledge or I have gained knowledge of them from the business
5 records of ONEWEST, which were made at or about the time of the events recorded, and which
6 are maintained in the ordinary course of ONEWEST's business at or near the time of the act,
7 conditions or events to which they relate. Any such document was prepared in the ordinary course
8 of business of ONEWEST by a person who had personal knowledge of the event being recorded
9 and had or has a business duty to record accurately such event. The business records are available
10 for inspection and copies can be submitted to the Court if required.

11 3. **The Secured Debt.** On or about September 14, 2005, GERARD Q.
12 DECKER, IV, made and delivered a Promissory Note in the original principal amount of
13 \$1,462,500.00, secured by a Priority Deed of Trust on the Property commonly known as 2030
14 Paradise Drive, Tiburon, CA, 94920 (the "Property"). True and correct copies of the Note, Deed of
15 Trust, and Assignment of Deed of Trust are attached as Exhibits "1," "2," and "3," respectively.

16 4. **The Default Under The Note.** Movant's Note and Deed of Trust are
17 contractually due for the December 1, 2007 payment. As a result of the default, Movant desires to
18 record a Notice of Default and Election to Sell against the Property. The total delinquency under
19 the Note is set forth in detail on Exhibit "4" to the Motion.

20 5. **The Debtor's Interest In The Property.** The Debtor is the owner of
21 record of the Property.

22 6. **The Filing Of The Instant Petition.** On March 16, 2009, GERARD Q.
23 DECKER, IV filed the instant Chapter 7 Petition as Case No. 09-10655.

24 7. **The Costs of Sale.** Based on my experience with the liquidation of
25 properties, the customary "costs of sale" are 8% of the sales price of the Property.

26 8. I have reviewed the Exhibits referenced above and filed herewith, and all
27 referenced Exhibits are true and correct to the best of my knowledge based on the information
28 available at this time.

1 I declare under penalty of perjury according to the laws of the United States of
2 America that the foregoing is true and correct and that this Declaration is executed on May 19,
3 2009 in Austin, Texas.

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5 OneWest Bank FSB,
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8 /s/ Erica A. Johnson-Seck
9 *Signature of Declarant*

10 Vice President
11 *Title*
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